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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,019	11/03/2003	William P. Delaney	LSI.82US01 (03-1233)	5855

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EXAMINER

SCHNEIDER, JOSHUA D

ART UNIT PAPER NUMBER

2182

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,019

Applicant(s)

DELANEY ET AL

Examiner

Joshua D. Schneider

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4-6, 8, 9, 11-13, 15, 16, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2003/0217358 to Thurston et al.
3. With regards to claims 1, 8, and 15, Thurston teaches packaging a communication sequence into a script by a method comprising (paragraph 29), providing said communication sequence that is a specific set of actions and action data (paragraphs 34-39); for each of said actions, creating an action header comprising an action code and zero or more component specific commands (paragraphs 40-43), and creating an action payload comprising zero or more of said action data; transmitting said script to said controller (paragraphs 34-39); and communicating to said component of said system by running said script by said controller by a method comprising: providing said script to said controller (paragraphs 35-39); and for each of said action headers, executing a command corresponding to said action code (paragraphs 35-39 and 19-52), transmitting said zero or more component specific commands to said component (paragraphs 35-39 and 19-52), and transmitting said zero or more of said action data from said action payload to said component (paragraphs 35-39 and 19-52).

Art Unit: 2182

4. With regards to claims 2, 9, and 16, Thurston teaches said packaging of said communication is performed by a first computer system that is separate from said system controlled by said controller (paragraphs 27-29).

5. With regards to claims 4, 11, and 18, Thurston teaches said method of packing said communication sequence further comprises: creating a header for said script (paragraphs 40-43), said header comprising an identifier describing the specific component for which said script is intended (paragraphs 40-43); and said method of communicating to said component of said system by running said script by said controller further comprises, determining a descriptor of said component (paragraphs 40-43), comparing said descriptor of said component to said identifier contained within said header of said script (paragraphs 40-43).

6. With regards to claims 5, 12, and 19, Thurston teaches said method of packing said communication sequence further comprises: creating a header for said script (paragraphs 40-44), said header comprising a compatibility list comprising one or more applicable revisions of firmware on said specific component for which said script is applicable (paragraphs 44-47); and said method of communicating to said component of said system by running said script by said controller further comprises: determining a current firmware revision of said component; comparing said current firmware revision to said compatibility list contained within said header of said script (paragraphs 44-47).

7. With regards to claims 6, 13, and 20, Thurston teaches said component is a hard disk drive (paragraph 27).

Claim Rejections - 35 USC § 103

Art Unit: 2182

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0217358 to Thurston et al. in further view of U.S. Patent 6,789,157 to Lilja et al.

10. With regards to claims 3, 10, and 17, Thurston teaches said method of packing said communication sequence further comprises: creating a header for said script (paragraphs 40-43), said header comprising a checksum (paragraph 42); and said method of communicating to said component further comprises: reading said header of said script (paragraph 53), computing a computed checksum of said script (paragraph 53), comparing said computed checksum to said checksum contained within said header of said script (paragraph 53). Thurston fails to teach a CRC. Lilja teaches that using a firmware update with a CRC instead of a checksum. It would have been obvious to one of ordinary skill in the art at the time of invention to substitute the use of CRC of Lilja for the checksum of Thurston in order to more completely check whether the firmware has been corrupted during transmission.

11. Claims 7, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0217358 to Thurston et al. in further view of U.S. Patent Application Publication 2002/0166027 to Shirasawa et al.

12. With regards to claims 7, 14, and 21, Thurston fails to teach the firmware update script package being used to update a RAID controller. Shirasawa teaches said controller is a RAID

Art Unit: 2182

controller (paragraphs 8 and 9). It would have been obvious to one of ordinary skill in the art at the time of invention to use the firmware update script package of Thurston for updating RAID firmware as taught by Shirasawa in order to homogenize the ability of each of the hard disk units to increase process speed and decrease error occurrence.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Publication Application 2004/0068548 to Sugita teaches the use of CRC and checksums in firmware updating. U.S. Patent Publication Application 2004/0150851 to Sato teaches the packaging of firmware updates into a script that includes email notification. U.S. Patent 6,209,060 to Machida teaches firmware update version comparisons. U.S. Patent 6,622,302 to Delany et al. teaches a script engine for executing firmware updates.

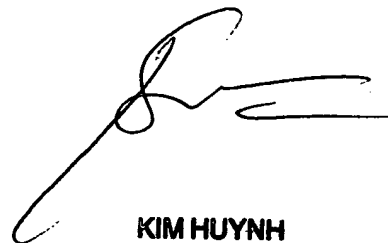
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Schneider whose telephone number is (571) 272-4158. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDS



**KIM HUYNH
PRIMARY EXAMINER**

10/12/05